

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

FIFTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 4, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Peggy Stempson, followed by the Pledge of Allegiance led by Senate page Molly Walker.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fourteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 32, 37, 40, and 41 were delivered to his Excellency, the Governor, for his approval at 11:25 a.m., February 4, 2016.

Respectfully submitted,
Gary Cammack, Chair

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 102 and HB 1056 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
R. Blake Curd, Chair

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration SB 92 and returns the same with the recommendation that said bill be referred to the Joint Committee on Appropriations.

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration HB 1001 which was tabled.

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration SB 83 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Deb Soholt, Chair

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1063 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 79
3 and returns the same with the recommendation that said bill be amended as follows:

4 79yb

5 On page 1, line 8, of the printed bill, overstrike "psychiatric".

6 And that as so amended said bill do pass.

7 Also MR. PRESIDENT:

8 The Committee on Judiciary respectfully reports that it has had under consideration SB 90
9 and returns the same with the recommendation that said bill be amended as follows:

10 90rb

11 On page 1, line 7, of the printed bill, after "reasonable" insert ", obvious,".

12 And that as so amended said bill do pass.

13 Also MR. PRESIDENT:

14 The Committee on Judiciary respectfully reports that it has had under consideration SB 77
15 which was deferred to the 41st Legislative Day.

16 Respectfully submitted,
17 Craig Tieszen, Chair

18 Also MR. PRESIDENT:

19 The Committee on Agriculture and Natural Resources respectfully reports that it has had
20 under consideration SB 58 and returns the same with the recommendation that said bill be
21 amended as follows:

22 58fa

23 On page 1, line 12, of the printed bill, delete everything after "~~guest~~" and insert "no more
24 than four guests accompanied by the landowner or occupant".

25 On page 1, line 13, delete everything before "may" .

26 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration SB 80 and returns the same with the recommendation that said bill be
4 amended as follows:

5 80ya

6 On page 2, line 9, of the printed bill, after "watercrafts," insert "vehicles, ice shacks,".

7 On page 2, line 17, delete ", fishing professional, or any other person,".

8 And that as so amended said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Agriculture and Natural Resources respectfully reports that it has had
11 under consideration SB 71 and returns the same with the recommendation that said bill be
12 amended as follows:

13 71fa

14 On page 2 of the printed bill, delete lines 11 to 16, inclusive, and insert:

15 "

16 Section 2. That § 41-11-5.5 be amended to read:

17 41-11-5.5. Any nonprofit organization may establish a special ~~one-day~~ one-or-two-day
18 pheasant hunt in which disabled veterans of the United States Armed Forces may participate.
19 The special ~~one-day~~ one-or-two-day pheasant hunt may be held before or during the regular
20 pheasant season. No fee may be charged to participants in any such special ~~one-day~~ one-or-two-
21 day pheasant hunt, by either the state or the sponsoring organization. The Game, Fish and Parks
22 Commission shall promulgate rules, pursuant to chapter 1-26, to administer the special ~~one-day~~
23 one-or-two-day pheasant hunts authorized in this section.

24 For the purposes of this section a disabled veteran of the United States Armed Forces is a
25 resident or nonresident who meets one of the criteria established in subdivisions 41-6-10.2(1)
26 or (2).".

27 71fta

28 On page 1, line 2, of the printed bill, delete everything after "fees" and insert "and to revise
29 certain provisions regarding special pheasant hunts for disabled veterans.".

30 On page 1, delete line 3.

1 And that as so amended said bill do pass and be placed on the consent calendar.

2 Also MR. PRESIDENT:

3 The Committee on Agriculture and Natural Resources respectfully reports that it has had
4 under consideration the nomination of Russell Olson of Lake County, Wentworth, South
5 Dakota, to the Game, Fish and Parks Commission and returns the same with the
6 recommendation that the Senate advise and consent to the confirmation of said appointment and
7 that said appointment be placed on the consent calendar.

8 Respectfully submitted,
9 Gary Cammack, Chair

10 **MESSAGES FROM THE HOUSE**

11 MR. PRESIDENT:

12 I have the honor to transmit herewith HCR 1004 which has been adopted by the House and
13 your concurrence is respectfully requested.

14 Also MR. PRESIDENT:

15 I have the honor to transmit herewith HB 1005, 1010, 1082, 1092, 1095, 1100, 1101, 1103,
16 1104, and 1123 which have passed the House and your favorable consideration is respectfully
17 requested.

18 Respectfully,
19 Arlene Kvislen, Chief Clerk

20 **MOTIONS AND RESOLUTIONS**

21 Yesterday, Sen. Tidemann announced his intention to reconsider the vote by which SB 3
22 lost.

23 Sen. Tidemann moved that the Senate do now reconsider the vote by which SB 3 lost.

24 The question being on Sen. Tidemann's motion to reconsider the vote by which SB 3 lost.

25 And the roll being called:

26 Yeas 21, Nays 14, Excused 0, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Frerichs; Heinert; Hunhoff (Bernie); Jensen
3 (Phil); Olson; Parsley; Peters; Peterson (Jim); Rampelberg; Shorma; Soholt; Sutton; Tidemann;
4 Tieszen; Van Gerpen; Vehle; White

5 Nays:

6 Curd; Ewing; Fiegen; Greenfield (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis);
7 Holien; Monroe; Novstrup (David); Omdahl; Otten (Ernie); Rusch; Solano

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and SB 3 was up for reconsideration and final passage.

10 SB 3: FOR AN ACT ENTITLED, An Act to revise the income criteria for determining if
11 property is classified as agricultural land for property tax purposes.

12 Having had its second reading was up for reconsideration and final passage.

13 The question being "Shall SB 3 pass?"

14 And the roll being called:

15 Yeas 18, Nays 17, Excused 0, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Frerichs; Heinert; Hunhoff (Bernie); Jensen
18 (Phil); Olson; Parsley; Peters; Peterson (Jim); Rampelberg; Sutton; Tidemann; Van Gerpen;
19 Vehle; White

20 Nays:

21 Curd; Ewing; Fiegen; Greenfield (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis);
22 Holien; Monroe; Novstrup (David); Omdahl; Otten (Ernie); Rusch; Shorma; Soholt; Solano;
23 Tieszen

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 Sen. Brown moved that SB 5 be deferred to Friday, February 5th, the 16th legislative day.

27 Which motion prevailed.

28 Sen. Brown moved that SB 92 be referred to the Joint Committee on Appropriations.

29 Which motion prevailed.

1 Sen. Brown moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
2 Friday, February 5th the 16th legislative day.

3 Which motion prevailed.

4 **HONORED GUESTS**

5 The President introduced Commander Lt. Col. Ron Withrow and several members of the
6 new PCU- the USS South Dakota (SSN 790) submarine crew to the body.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

8 Sen. Brown moved that the reports of the Standing Committee on

9 Local Government on SB 64 as found on page 190 of the Senate Journal be adopted.

10 Which motion prevailed.

11 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

12 SB 149 Introduced by: Senators Sutton, Buhl O'Donnell, Frerichs, Heinert, Hunhoff
13 (Bernie), Monroe, Olson, Parsley, Peterson (Jim), Van Gerpen, and White and Representatives
14 Hawks, Bartling, Bordeaux, Feickert, Gibson, Hawley, Kirschman, McCleerey, Ring, Schrempp,
15 Sly, Soli, Solum, Stalzer, Wollmann, and Zikmund

16 FOR AN ACT ENTITLED, An Act to provide for certain reduced state park entrance fees
17 for veterans.

18 Was read the first time and referred to the Committee on Agriculture and Natural
19 Resources.

20 SB 150 Introduced by: Senators Sutton, Bradford, Buhl O'Donnell, Frerichs, Heinert,
21 Hunhoff (Bernie), Parsley, and Peterson (Jim) and Representatives Bartling, Bordeaux, Feickert,
22 Gibson, Hawks, Hawley, Kirschman, McCleerey, Rasmussen, Ring, Schoenfish, Schrempp, and
23 Soli

24 FOR AN ACT ENTITLED, An Act to provide for additional interns for the minority party
25 under certain circumstances.

26 Was read the first time and referred to the Joint Committee on Appropriations.

SB 151 Introduced by: Senators Sutton, Bradford, Buhl O'Donnell, Heinert, Hunhoff (Bernie), Parsley, and Peterson (Jim) and Representatives Hawley, Bartling, Bordeaux, Feickert, Gibson, Hawks, Kirschman, McCleerey, Ring, Schrempp, and Soli

FOR AN ACT ENTITLED, An Act to lower the state sales and use tax on most food items, to increase the rate of taxation for the sales and use tax on certain goods and services, to increase the amusement device tax, and to increase the per student allocation in the state aid formula.

Was read the first time and referred to the Committee on State Affairs.

SB 152 Introduced by: Senators Jensen (Phil), Olson, and Rampelberg and Representatives May, Campbell, Marty, and Russell

FOR AN ACT ENTITLED, An Act to enact the Peter Falk Act to ensure visitation of certain protected persons.

Was read the first time and referred to the Committee on Health and Human Services.

SB 153 Introduced by: Senator Jensen (Phil) and Representative May

FOR AN ACT ENTITLED, An Act to provide for drug testing certain TANF applicants.

Was read the first time and referred to the Committee on Health and Human Services.

SB 154 Introduced by: Senators Tieszen, Monroe, and Rusch and Representatives Rounds, Duvall, and Schoenbeck

FOR AN ACT ENTITLED, An Act to provide a penalty for fleeing from a law enforcement officer.

Was read the first time and referred to the Committee on Judiciary.

SB 155 Introduced by: Senators Heineman (Phyllis) and Peters and Representatives Anderson, Cronin, and Dryden

FOR AN ACT ENTITLED, An Act to improve public safety.

Was read the first time and referred to the Committee on State Affairs.

1 SB 156 Introduced by: Senators Vehle, Frerichs, Holien, and Tieszen and Representatives
2 Partridge, Harrison, Johns, Romkema, and Zikmund

3 FOR AN ACT ENTITLED, An Act to establish certain requirements and protections
4 regarding transportation network companies.

5 Was read the first time and referred to the Committee on Transportation.

6 SB 157 Introduced by: Senators Buhl O'Donnell, Bradford, Haverly, Heinert, Hunhoff
7 (Bernie), Parsley, Rusch, Sutton, and Vehle and Representatives Johns, Bordeaux, Gibson,
8 Hawks, Hawley, Kirschman, McCleerey, Ring, Rozum, and Soli

9 FOR AN ACT ENTITLED, An Act to provide additional regulations for commercial
10 breeding operations.

11 Was read the first time and referred to the Committee on Judiciary.

12 SB 158 Introduced by: Senators Solano, Bradford, Brown, Buhl O'Donnell, Cammack,
13 Haverly, Heinert, Holien, Hunhoff (Bernie), Otten (Ernie), Parsley, Rampelberg, Sutton,
14 Tieszen, and Vehle and Representatives Johns, Bartling, and Craig

15 FOR AN ACT ENTITLED, An Act to revise provisions related to restitution in cases
16 involving juveniles and to declare an emergency.

17 Was read the first time and referred to the Committee on Judiciary.

18 SB 159 Introduced by: Senators Heineman (Phyllis), Bradford, Brown, Curd, Greenfield
19 (Brock), Hagggar (Jenna), Haverly, Holien, Jensen (Phil), Monroe, Novstrup (David), Olson,
20 Omdahl, Otten (Ernie), Rampelberg, Rusch, and Van Gerpen and Representatives Gosch, Beal,
21 Brunner, Campbell, Craig, Cronin, Deutsch, DiSanto, Feickert, Greenfield (Lana), Hagggar
22 (Don), Harrison, Haugaard, Heinemann (Leslie), Hunt, Kirschman, Klumb, Langer, Latterell,
23 Marty, May, Novstrup (Al), Rasmussen, Rounds, Schoenbeck, Stalzer, Steinhauer, Verchio,
24 Westra, Wiik, Wollmann, and Zikmund

25 FOR AN ACT ENTITLED, An Act to provide a tax credit to insurance companies that
26 contribute to an organization providing educational scholarships to certain students.

27 Was read the first time and referred to the Committee on Education.

1 SB 160 Introduced by: Senators Peters and Novstrup (David) and Representatives
2 Willadsen and Verchio

3 FOR AN ACT ENTITLED, An Act to provide for per diem for constituent service,
4 leadership service, and service on certain standing committees and to declare an emergency.

5 Was read the first time and referred to the Joint Committee on Appropriations.

6 SB 161 Introduced by: Senators Buhl O'Donnell, Bradford, Heinert, Hunhoff (Bernie),
7 Parsley, Peterson (Jim), and Sutton and Representatives Ring, Bartling, Bordeaux, Gibson,
8 Hawks, Hawley, Killer, Kirschman, McCleerey, Schrempp, and Soli

9 FOR AN ACT ENTITLED, An Act to lower the state sales and use tax on certain food
10 items and to increase the rate of taxation for the sales and use tax on certain goods and services.

11 Was read the first time and referred to the Joint Committee on Appropriations.

12 SB 162 Introduced by: The Committee on Government Operations and Audit at the request
13 of the Office of the Governor

14 FOR AN ACT ENTITLED, An Act to create the State Board of Internal Control and to
15 declare an emergency.

16 Was read the first time and referred to the Committee on State Affairs.

17 SB 163 Introduced by: Senators Parsley, Heinert, Hunhoff (Bernie), Olson, Otten (Ernie),
18 Sutton, and Tieszen and Representatives Hawks, Bartling, Hawley, and Russell

19 FOR AN ACT ENTITLED, An Act to require the disclosure of certain cumulative
20 contracts with the state.

21 Was read the first time and referred to the Committee on Judiciary.

22 SB 164 Introduced by: Senator Tieszen and Representative Otten (Herman)

23 FOR AN ACT ENTITLED, An Act to revise certain residency requirements for voter
24 registration.

25 Was read the first time.

1 SB 165 Introduced by: Senators Haggar (Jenna), Curd, Greenfield (Brock), and Holien and
2 Representatives Haggar (Don), Latterell, Qualm, Rasmussen, and Stalzer

3 FOR AN ACT ENTITLED, An Act to authorize the manufacture of cider in certain
4 amounts.

5 Was read the first time and referred to the Committee on Taxation.

6 SB 166 Introduced by: Senators Greenfield (Brock), Curd, Haggar (Jenna), Monroe,
7 Novstrup (David), and Olson and Representatives Greenfield (Lana), Brunner, Harrison, Klumb,
8 Rozum, Schoenbeck, and Wiik

9 FOR AN ACT ENTITLED, An Act to make an appropriation to the aeronautics
10 commission and to declare an emergency.

11 Was read the first time and referred to the Joint Committee on Appropriations.

12 SB 167 Introduced by: Senators Buhl O'Donnell and Rampelberg and Representative
13 Bordeaux

14 FOR AN ACT ENTITLED, An Act to permit the compassionate use of medical cannabis.

15 Was read the first time and referred to the Committee on Health and Human Services.

16 SB 168 Introduced by: Senators Holien, Fiegen, Haggar (Jenna), Heineman (Phyllis),
17 Monroe, Peterson (Jim), Rusch, and Sutton and Representatives Craig, Campbell, Otten
18 (Herman), Qualm, and Wiik

19 FOR AN ACT ENTITLED, An Act to revise provisions related to human trafficking and
20 to provide a penalty therefor.

21 Was read the first time and referred to the Committee on Judiciary.

22 SB 169 Introduced by: Senators Holien, Fiegen, Haggar (Jenna), Heineman (Phyllis),
23 Monroe, Peterson (Jim), Shorma, and Sutton and Representatives Craig, Campbell, Otten
24 (Herman), Qualm, Werner, and Wiik

25 FOR AN ACT ENTITLED, An Act to revise provisions related to child pornography and
26 to revise the penalty therefor.

27 Was read the first time and referred to the Committee on Judiciary.

1 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1005: FOR AN ACT ENTITLED, An Act to revise and repeal certain fees that are
3 established to compensate counties for services provided by county officials.

4 Was read the first time and referred to the Committee on Local Government.

5 HB 1010: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
6 development of park and recreational improvements on lands leased to the Department of Game,
7 Fish and Parks.

8 Was read the first time and referred to the Committee on Agriculture and Natural
9 Resources.

10 HB 1082: FOR AN ACT ENTITLED, An Act to codify the list of navigable streams
11 requiring gates.

12 Was read the first time and referred to the Committee on Agriculture and Natural
13 Resources.

14 HB 1092: FOR AN ACT ENTITLED, An Act to revise requirements for local permits for
15 the sale and consumption of alcoholic beverages on certain property abutting licensed
16 establishments.

17 Was read the first time and referred to the Committee on Local Government.

18 HB 1095: FOR AN ACT ENTITLED, An Act to revise certain allowable time periods
19 regarding the transfer of vehicle ownership.

20 Was read the first time and referred to the Committee on Transportation.

21 HB 1100: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about
22 zoning changes or conditional use permits.

23 Was read the first time and referred to the Committee on Local Government.

24 HB 1101: FOR AN ACT ENTITLED, An Act to authorize municipalities to create
25 programs to encourage housing development.

26 Was read the first time and referred to the Committee on Taxation.

1 HB 1103: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
2 qualification process for municipal office.

3 Was read the first time and referred to the Committee on Local Government.

4 HB 1104: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
5 practice of dental hygiene.

6 Was read the first time and referred to the Committee on Health and Human Services.

7 HB 1123: FOR AN ACT ENTITLED, An Act to require the Department of Health to
8 include certain information regarding the inspection of an abortion facility on the department's
9 website.

10 Was read the first time and referred to the Committee on Health and Human Services.

11 HCR 1004: A CONCURRENT RESOLUTION, Expressing support for the property rights
12 of ranch and range allotment owners.

13 Was read the first time, the President waived the referral to committee, and placed
14 HCR 1004 on the calendar of Friday, February 5th, the 16th legislative day.

15 **SECOND READING OF CONSENT CALENDAR ITEMS**

16 Pursuant to Senate Rule 6-1, the President removed HB 1025 from the Consent Calendar.

17 SB 7: FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk
18 highway system.

19 Was read the second time.

20 The question being "Shall SB 7 pass?"

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
25 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
26 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
27 Peterson (Jim); Rempelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
28 Gerpen; Vehle; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 SB 74: FOR AN ACT ENTITLED, An Act to authorize members of certain governing
4 bodies who are displaced by a natural disaster to continue their term of office.

5 Was read the second time.

6 The question being "Shall SB 74 pass?"

7 And the roll being called:

8 Yeas 35, Nays 0, Excused 0, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
11 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
12 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
13 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
14 Gerpen; Vehle; White

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 HB 1003: FOR AN ACT ENTITLED, An Act to revise certain administrative functions
18 regarding county government.

19 Was read the second time.

20 The question being "Shall HB 1003 pass as amended?"

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
25 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
26 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
27 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
28 Gerpen; Vehle; White

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning local
2 government elections.

3 Was read the second time.

4 The question being "Shall HB 1034 pass?"

5 And the roll being called:

6 Yeas 35, Nays 0, Excused 0, Absent 0

7 Yeas:

8 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
9 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
10 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
11 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
12 Gerpen; Vehle; White

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed and the title was agreed to.

15 HB 1049: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
16 references to the Internal Revenue Code.

17 Was read the second time.

18 The question being "Shall HB 1049 pass?"

19 And the roll being called:

20 Yeas 35, Nays 0, Excused 0, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
23 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
24 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
25 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
26 Gerpen; Vehle; White

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 HB 1050: FOR AN ACT ENTITLED, An Act to repeal certain obsolete mini-storage tax
30 refund provisions.

31 Was read the second time.

1 The question being "Shall HB 1050 pass?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
6 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
7 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
8 Peterson (Jim); Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen; Van
9 Gerpen; Vehle; White

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

13 SB 59: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
14 application of the special annual road funding levy.

15 Was read the second time.

16 The question being "Shall SB 59 pass?"

17 And the roll being called:

18 Yeas 35, Nays 0, Excused 0, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
21 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
22 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
23 Peterson (Jim); Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen; Van
24 Gerpen; Vehle; White

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

28 HB 1016: FOR AN ACT ENTITLED, An Act to revise the authority granted to the
29 Building Authority and to the Board of Regents to construct certain improvements at South
30 Dakota State University in Brookings and the University of South Dakota in Vermillion.

1 Was read the second time.

2 The question being "Shall HB 1016 pass?"

3 And the roll being called:

4 Yeas 33, Nays 2, Excused 0, Absent 0

5 Yeas:

6 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
7 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
8 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
9 Rampelberg; Rusch; Shorma; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

10 Nays:

11 Omdahl; Solano

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the President declared the bill passed and the title was agreed to.

14 HB 1035: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions
15 concerning voter registration, vote centers, and conducting elections.

16 Was read the second time.

17 The question being "Shall HB 1035 pass?"

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas:

21 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
22 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
23 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
24 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
25 Gerpen; Vehle; White

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1052: FOR AN ACT ENTITLED, An Act to revise certain alcoholic beverage business
29 restrictions on Department of Revenue employees.

30 Was read the second time.

1 The question being "Shall HB 1052 pass?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
6 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil);
7 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
8 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
9 White

10 Excused:

11 Heinert

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 HB 1057: FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the
15 South Dakota Commission on Gaming.

16 Was read the second time.

17 The question being "Shall HB 1057 pass?"

18 And the roll being called:

19 Yeas 32, Nays 3, Excused 0, Absent 0

20 Yeas:

21 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
22 (Brock); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
23 Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg;
24 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

25 Nays:

26 Hagggar (Jenna); Otten (Ernie); Van Gerpen

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 HB 1055: FOR AN ACT ENTITLED, An Act to clarify that a gift of real property does not
30 require a disclosure statement.

31 Was read the second time.

1 The question being "Shall HB 1055 pass?"

2 And the roll being called:

3 Yeas 10, Nays 25, Excused 0, Absent 0

4 Yeas:

5 Bradford; Brown; Cammack; Curd; Holien; Jensen (Phil); Monroe; Olson; Rusch; Van Gerpen

6 Nays:

7 Buhl O'Donnell; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
8 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Novstrup (David); Omdahl; Otten (Ernie);
9 Parsley; Peters; Peterson (Jim); Rampelberg; Shorma; Soholt; Solano; Sutton; Tidemann;
10 Tieszen; Vehle; White

11 So the bill not having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill lost.

13 HB 1058: FOR AN ACT ENTITLED, An Act to revise the procedure for recovery of
14 abandoned mineral interests.

15 Was read the second time.

16 1058ya

17 Sen. Rusch moved that HB 1058 be amended as follows:

18 On page 2, line 9, of the House Judiciary Committee engrossed bill, after "recorded" insert
19 "within the last twenty-three years".

20 Which motion prevailed.

21 The question being "Shall HB 1058 pass as amended?"

22 And the roll being called:

23 Yeas 32, Nays 3, Excused 0, Absent 0

24 Yeas:

25 Brown; Buhl O'Donnell; Cammack; Curd; Fiegen; Frerichs; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
28 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

29 Nays:

30 Bradford; Ewing; Omdahl

Kay Johnson, Secretary